IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7069 OF 2005

Dinkar Govind Tajne .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.M.S.Mohite for applicant

Mr.R.Y.Mirza, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 24th November 2005.

P.C.

. Heard Mr.Mohite for applicant and Mr.Mirza for respondent.

2. The allegations against the applicant who at the relevant time Headmaster of the primary school at Thakarwadi in Junnar Taluka, Dist. Pune is that one of the female student studying in the said school was called by him in classroom on 3rd August 2005 during lunch recess and was shown some obscene pictures. The charge is of molestation as well. Applicant was arrested on 5th August 2005 upon C.R.No.69 of 2005 being registered at Junnar police station under section 354 of I.P.C. and section 3(i) (xi) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. Investigation is complete and charge sheet is also filed. Presently applicant is in majesterial custody.

3. Contention of Mr.Mohite, learned Counsel for applicant is that apart from the fact that there is political rivalry and applicant is a victim of the same, no offence is made out under the Atrocities Act. As far as alleged incident

of 3rd August 2005 is concerned, he states that the charge is under section 354 of I.P.C. The offence is bailable. Applicant is in custody since 5th August 2005. There are no criminal antecedents. There is no likelihood of applicant either tampering with the prosecution witness or absconding. He states that the applicant is willing on his own not to enter villege Yenere, Taluka Junnar, Dist. Pune where the complainant and her family is residing.

4. Mr.Mirza states that at this stage it cannot be said that the applicant is falsely involved on account of political rivalry. However, it cannot be said that no offence under Atrocities Act is made out. While it is true that the charge sheet is filed and the matter is at the stage of trial, yet, the applicant if enlarged on bail, considering his dominating position, he may influence the entire outcome thereof and the witnesses may not come forward to

depose.

5. In my view, apprehension expressed at this stage is not well founded. Applicant having been detained in custody from 5th August 2005 and the charge sheet having been filed, this is fit case for enlargement of the applicant on bail, al beit with condition including preventing him to enter the villege where the complainant and her family is residing. There being no criminal antecedents and the applicant is having his permanent residence in Junnar taluka, the request as made deserves to be granted. Accordingly following order:-

i) The applicant shall be enlarged on bail in connection with C.R.No.69 of 2005 registered with Junnar Police Station in the sum of Rs.5000/- with one or two sureties in the like amount.

ii) The applicant is directed not to enter Yenere villege in Junnar Taluka Dist. Pune till the conclusion of the Trial.

iii) Applicant shall attend Junnar Police Station once a week on every Monday between 5.00 p.m. to 7.00 p.m.

iv) The applicant is also directed to cooperate in expeditious disposal of the case as is now directed by learned Additional Sessions Judge.

v) Bail is granted subject to condition that the applicant shall not, directly or indirectly make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) The parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)